

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

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VS.

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MAGISTRATE ACTION NO. C-08-729

MIGUEL ALBA

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MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets is substantial. The defendant confessed he was being paid to transport aliens. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant has a significant criminal history, but no history of failure to appear. The defendant has not produced a third-party custodian or a surety with non-exempt assets. The government's motion for detention is granted. The issue of bond will be reconsidered if the defendant is able to produce an acceptable surety and third party custodian, and his living arrangements are confirmed.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent

practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 6th day of October, 2008.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE